

## CIVIL COVER SHEET

APPENDIX B

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

DENISE SCHNEIDER

(b) County of Residence of First Listed Plaintiff Niles, Illinois  
(EXCEPT IN U.S. PLAINTIFF CASES)

## DEFENDANTS

THE PROCTER &amp; GAMBLE DISTRIBUTING COMPANY

County of Residence of First Listed Cincinnati, Ohio  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)  
(215) 893-0100

Heather L. Neulight, Esquire  
Greitzer & Locks

1500 Walnut Street, Phila., PA 19102

Attorneys (If Known) (215) 665-0400  
Alan R. Gries, Esquire  
Hecker, Brown Sherry and Johnson, LL  
1700 Two Logan Square - 18th & Arch  
Philadelphia, PA 19103

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4  
Citizen of Another State ☒ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☒ 5  
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input checked="" type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395m) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause.)

Do not cite jurisdictional statutes unless diversity.)

negligence and implied warranty against defendant. Plaintiff brings claims in strict liability jurisdiction exists in the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C.

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

IN EXCESS OF \$75,000.00

CHECK YES only if demanded in complaint.

JURY DEMAND: ☒ Yes ☐ No U.S.C.

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

5/22/02

SIGNATURE OF ATTORNEY OF RECORD

Alan R. Gries

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

JS 44 Reverse (Rev. 12/96)

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44****Authority For Civil Cover Sheet**

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

**(b.) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

**(c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States, are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a) Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause.

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DENISE SCHNEIDER,

Plaintiff

v.

THE PROCTER & GAMBLE COMPANY  
DISTRIBUTING COMPANY,

Defendant

CIVIL ACTION

No. 02cv 3109

**NOTICE OF REMOVAL**

Pursuant 28 U.S.C. §§ 1332, 1441 and 1446, defendant, Procter & Gamble Pharmaceuticals, Inc. (incorrectly designated as "The Procter & Gamble Distributing Company" and hereinafter "Procter & Gamble"), hereby removes to the United States District Court for the Eastern District of Pennsylvania the case captioned Denise Schneider v. The Procter & Gamble Distributing Company, bearing docket No. 002540, April Term, 2002, currently pending in the Pennsylvania Court of Common Pleas for Philadelphia County, and in support thereof avers as follows:

1. On or about April 16, 2002, plaintiff commenced a civil action against Procter & Gamble by filing a Civil Action Complaint-Short Form in the Pennsylvania Court of Common Pleas of Philadelphia County, bearing docket No. 002540, April Term, 2002. See plaintiff's Complaint attached hereto as Exhibit "A".

2. On or about April 22, 2002, Procter & Gamble received a copy of plaintiff's Complaint. No other process, pleadings or orders have been served upon Procter & Gamble with respect to this case. See docket entries in this matter attached hereto as Exhibit "B".

3. Title 28 United States Code, §1441(a) provides as follows:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States has original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending. For purposes of removal under this Chapter [28 U.S.C. §1441 et seq.], the citizenship of defendants sued under fictitious names shall be disregarded.

4. Title 28 United States Code §1332(a) provides in relevant part:

The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between –

- (1) citizens of different States; or
- (2) citizens of a State and citizens or subjects of a foreign state.

5. The case at hand is a civil action over which this United States District Court has original jurisdiction under 28 U.S.C. § 1332, in that:

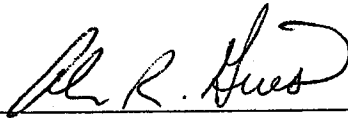
- (a) The plaintiff was at the time of the filing of this action, and presently is, a citizen of the State of Illinois. See Complaint, Exhibit “A” at paragraph 1;
- (b) Defendant, Procter & Gamble, was at the time of the filing of this action, and presently is, a citizen of the State of Ohio, being incorporated in the State of Ohio and having its principal place of business in the State of Ohio; and
- (c) Although Procter & Gamble denies plaintiff’s allegations and claims for damages, Procter & Gamble avers upon information and belief that the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. Plaintiff’s Complaint alleges causes of action in negligence, strict liability and breach of warranty, and seeks punitive damages.

6. The diversity and amount-in-controversy requirements of 28 U.S.C. § 1332 are therefore satisfied with respect to this matter.

7. Under 28 U.S.C. § 1441(a), the United States District Court for the Eastern District of Pennsylvania is the proper venue for removal jurisdiction because it is the District Court of the United States for the district and division within which this action is currently pending—i.e., in the Pennsylvania Court of Common Pleas of Philadelphia County.

WHEREFORE, defendant, Procter & Gamble Pharmaceuticals, Inc., requests that the action of Denise Schneider v. The Procter & Gamble Distributing Company, currently pending in the Pennsylvania Court of Common Pleas of Philadelphia County, bearing docket No. 002540, April Term 2002, be removed to the United States District Court for the Eastern District of Pennsylvania.

DATED: May 22, 2002



Francis McGill Hadden #41204

Alan R. Gries #73378

HECKER BROWN SHERRY AND JOHNSON, LLP

1700 Two Logan Square

18<sup>th</sup> and Arch Streets

Philadelphia, PA 19103

(215) 665-0400

Attorneys for Defendant,


Procter & Gamble Pharmaceuticals, Inc.

**CERTIFICATE OF SERVICE**

I, Alan R. Gries, Esquire, certify that on May 22, 2002, a true and correct copy of the Notice of Removal attached hereto was served by hand delivery upon:

United States District Court  
for the Eastern District of Pennsylvania  
Clerks Office  
Room 2609 – 2<sup>nd</sup> Floor  
U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

Lee Balefsky, Esquire  
Heather L. Neulight, Esquire  
Greitzer and Locks  
1500 Walnut Street  
Philadelphia, PA 19102



Alan R. Gries

DATED: 5/22/02

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**CASE MANAGEMENT TRACK DESIGNATION FORM**

DENISE SCHNEIDER	:	CIVIL ACTION
	:	
v.	:	
	:	NO.
THE PROCTER & GAMBLE	:	
DISTRIBUTING COMPANY	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See §1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

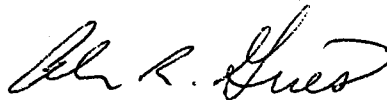
**SECTION ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )

- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

5/22/02

Date



Attorney-at-law

Alan R. Gries, Esquire

HECKER BROWN SHERRY

AND JOHNSON, LLP

1700 Two Logan Square – 18<sup>th</sup> & Arch Streets

Philadelphia, PA 19103

Attorneys for Defendant, Procter & Gamble  
Pharmaceuticals, Inc.



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DENISE SCHNEIDER

Plaintiff

v.

THE PROCTER & GAMBLE COMPANY  
DISTRIBUTING COMPANY,

Defendant

CIVIL ACTION

No. \_\_\_\_\_

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_,

2002, upon consideration of the within Notice of Removal, it is hereby

ORDERED, ADJUDGED and DECREED that the case of Denise Schneider v. The Procter & Gamble Distributing Company, now pending in the Pennsylvania Court of Common Pleas of Philadelphia County, bearing docket No. 002540, April Term, 2002, is hereby removed to the United States District Court for the Eastern District of Pennsylvania.

BY THE COURT:

\_\_\_\_\_  
J.

## **Exhibit A**

JURY FEE PAID

**GREITZER AND LOCKS**  
 By: Lee B. Balefsky, Esquire  
 I.D. # 25321  
 By: Heather L. Neulight, Esquire  
 I.D. # 80414  
 1500 Walnut Street, 20<sup>th</sup> Floor  
 Philadelphia, PA 19102  
 (215) 893-0100  
 (215) 985-2960  
 Attorneys for Plaintiff

The filing party shall submit a  
 Certificate as required by Phila.  
 Court No. 0205.2 (A) (S) within  
 10 days of filing or shall suffer  
 consequences.

BY THE COURT:  
 ALEX BONAVITACOLA  
 ADMINISTRATIVE JUDGE, TRIAL DIVISION

Denise Schneider  
 8431 Madison Drive  
 Niles, IL 60714

**ATTEST:**

APR 16 2002

M. SIMMONS  
 PRO. PROTHY

APRIL TERM, 2002

NO. **002540**

Plaintiff,

vs.

The Procter & Gamble Distributing  
 Company  
 One Procter and Gamble Plaza  
 Cincinnati, OH 45202

Defendant.

"PPA" CASE

JURY TRIAL DEMANDED

**NOTICE TO PLEAD**

**NOTICE** You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. **YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. PHILADELPHIA COUNTY BAR ASSOCIATION LAWYER REFERRAL AND INFORMATION SERVICE 1101 MARKET STREET, 11<sup>TH</sup> FLOOR PHILADELPHIA, PENNSYLVANIA 19107 TELEPHONE: (215) 238-1701**

**AVISO** Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted. **LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. ASOCIACION DE LICENCIADOR DE PHILADELPHIA VICIO DE REFERENCIA DE INFORMACION LEGAL 1101 MARKET STREET, 11<sup>TH</sup> FLOOR PHILADELPHIA, PENNSYLVANIA 19107 TELEFONO: (215) 238-1701**

GREITZER AND LOCKS  
By: Lee B. Balefsky, Esquire  
I.D. # 25321  
By: Heather L. Neulight, Esquire  
I.D. # 80414  
1500 Walnut Street, 20<sup>th</sup> Floor  
Philadelphia, PA 19102  
(215) 893-0100  
(215) 985-2960  
Attorneys for Plaintiff

Denise Schneider  
8431 Madison Drive  
Niles, IL 60714

Plaintiff,

vs.

The Procter & Gamble Distributing  
Company  
One Procter and Gamble Plaza  
Cincinnati, OH 45202

Defendant.

APRIL TERM, 2002

NO. \_\_\_\_\_

"PPA" CASE

JURY TRIAL DEMANDED

**DEFENDANTS LIST**

THE PROCTER & GAMBLE DISTRIBUTING COMPANY  
One Procter and Gamble Plaza  
Cincinnati, OH 45202

GREITZER AND LOCKS  
By: Lee B. Balefsky, Esquire  
I.D. # 25321  
By: Heather L. Neulight, Esquire  
I.D. # 80414  
1500 Walnut Street, 20<sup>th</sup> Floor  
Philadelphia, PA 19102  
(215) 893-0100  
(215) 985-2960  
Attorneys for Plaintiff

Denise Schneider  
8431 Madison Drive  
Niles, IL 60714

Plaintiff,

vs.

The Procter & Gamble Distributing  
Company  
One Procter and Gamble Plaza  
Cincinnati, OH 45202

Defendant.

APRIL TERM, 2002

NO. \_\_\_\_\_

"PPA" CASE

JURY TRIAL DEMANDED

**CIVIL ACTION COMPLAINT - SHORT FORM**

Plaintiffs incorporate by reference Plaintiffs' Master Long Form Complaint in In  
Re: Phenylpropanolamine ("PPA") Litigation in Philadelphia County Court of Common Pleas,  
filed as of September 10, 2001, under Master Docket Number, September 2001, No. 0001.  
Pursuant to an Order by the Honorable Allan L. Tereshko, Philadelphia County Court of  
Common Pleas, the following Short Form Complaint is utilized in this PPA action.

Plaintiff selects and indicates by checking off the appropriate spaces, those  
products, parties and claims that are specific to her or his case. Where certain claims require,

1. Plaintiff, is an individual who resides at 8431 Madison Drive, Niles, Cook County (City and County) in the state of Illinois (hereinafter referred to as the "plaintiff").

(City and County) in the state of Illinois (hereinafter referred to as the "plaintiff").

1a. Not applicable.

2. Plaintiff claims the following products containing PPA caused her injury:

\_\_\_\_\_

\_\_\_\_\_

4. Plaintiff was diagnosed on or about February 23, 1996 by Rex Hospital as

4a. Plaintiff first learned that her injuries described therein were related to the ingestion of a product containing PPA on or about November of 2000.

6. Not applicable.

2

(Check appropriate defendants)

- \_\_\_ AMERICAN HOME PRODUCTS CORPORATION
- \_\_\_ BAYER CORPORATION
- \_\_\_ BRISTOL-MYERS SQUIBB CO.
- \_\_\_ CHATTEM INC.
- \_\_\_ HEALTH AND NUTRITION SYSTEMS INTERNATIONAL INC.
- \_\_\_ NOVARTIS CONSUMER HEALTH INC.
- X THE PROCTER & GAMBLE DISTRIBUTING COMPANY
- \_\_\_ RITE-AID OF PENNSYLVANIA, INC.
- \_\_\_ SCHERING-PLOUGH HEALTHCARE PRODUCTS, INC.
- \_\_\_ SMITHKLINE BEECHAM CORP.
- \_\_\_ THE DELACO COMPANY
- \_\_\_ WALGREEN CO.
- \_\_\_ WALGREEN EASTERN CO., INC.
- \_\_\_ WE PHARMACEUTICALS, INC.
- \_\_\_ WHITEHALL-ROBINS HEALTHCARE Division of AMERICAN  
HOME PRODUCTS CORPORATION
- \_\_\_ WYETH-AYERST PHARMACEUTICALS INC.
- \_\_\_ WYETH-AYERST INTERNATIONAL INC.
- \_\_\_ WYETH-AYERST LABORATORIES Division of AMERICAN HOME  
PRODUCTS CORPORATION
- \_\_\_ ZEE MEDICAL, INC.
- \_\_\_ Others (Specify)

8. The following claims asserted in the Master Complaint, and the allegations with regard thereto in the Master Complaint, are herein adopted by reference:

- X   Count One: Negligence
- X   Count Two: Breach of Implied Warranty
- Count Three: Breach of Express Warranty
- X   Count Four: Strict Liability
- Count Five: Violation of Pennsylvania's Unfair Trade Practices  
and Consumer Protection Law, 73 P.S. § 201-1, *et*  
*seq.*
- Count Six: Wrongful Death
- Count Seven: Survival Action
- Count Eight: Loss of Consortium
- X   Count Nine: Punitive Damages

9. Plaintiff's dependents, relationship and date of birth, are:

Jessica Ann Schneider (daughter) date of birth 2/13/96

Blake Aaron Schneider (son) date of birth 3/16/94

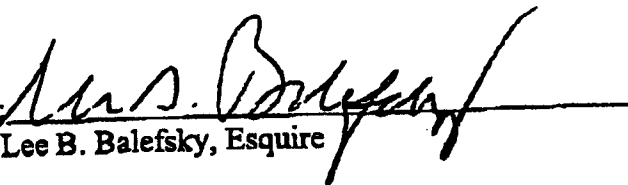
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



10. Not applicable.

**WHEREFORE**, Plaintiffs pray for relief as set forth in the Plaintiffs' Master Long Form Complaint in In Re: Phenylpropanolamine Litigation in Philadelphia County Court of Common Pleas, filed as of September 10, 2001, under Master Docket Number, September Term, No. 0001.

**Greitzer and Locks**

By:   
Lee B. Balefsky, Esquire

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\* If additional counts are alleged, the specific facts supporting these allegations must be pleaded by the plaintiff in a manner complying with the requirements of the Pennsylvania Rules of Civil Procedure, and the defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to the Short Form Complaint.

**Exhibit B**

**Case Description**

**Case ID:** 020402540  
**Case Caption:** SCHNEIDER VS PROCTER&GAMBLE DISTRIBUTING CO  
**Filing Date:** Tuesday , April 16th, 2002  
**Court:** MT - MASS TORT  
**Location:** CL - 100 PENN SQUARE EAST  
**Jury:** J - JURY  
**Case Type:** TS - MASS TORT - PPA  
**Status:** CLWMT - WAITING FOR LISTING MASS TORT

**Related Cases**

*No related cases were found.*

**Case Event Schedule**

*No case events were found.*

**Case Parties**

Seq #	Assoc	Expn Date	Type	ID	Name
1			ATTORNEY FOR PLAINTIFF	A25321	BALEFSKY, LEE B
Address:	1500 WALNUT ST. 20TH FLOOR PHILADELPHIA PA 19102 (000)893-3403		Aliases:	none	
2	1		PLAINTIFF	@4482224	SCHNEIDER, DENISE
Address:	8431 MADISON DR NILES IL 60714		Aliases:	none	
3			DEFENDANT	@4482227	PROCTOR&GAMBLE DISTRIBUTING CO
Address:	ONE PROCTER & GAMBLE PLAZA CINCINNATI OH 45202		Aliases:	none	

**Docket Entries**

Filing Date/Time	Docket Type	Filing Party	Disposition Amount
16-APR-2002 02:49 PM	ACTIV - ACTIVE CASE		
Docket Entry:	none.		
16-APR-2002 02:50 PM	CIVIJ - COMMENCEMENT CIVIL ACTION JURY	BALEFSKY, LEE B	
Docket Entry:	none.		
16-APR-2002 02:50 PM	SSCG1 - SHERIFF'S SURCHARGE 1 DEFT	BALEFSKY, LEE B	
Docket Entry:	none.		
16-APR-2002 02:50 PM	JURYT - JURY TRIAL PERFECTED	BALEFSKY, LEE B	
Docket Entry:	none.		
16-APR-2002 02:50 PM	CLWCM - WAITING TO LIST CASE MGMT CONF	BALEFSKY, LEE B	
Docket Entry:	none.		
16-APR-2002 02:50 PM	CMPLT - COMPLAINT FILED NOTICE GIVEN	BALEFSKY, LEE B	
Docket Entry:	COMPLAINT WITH NOTICE TO DEFEND WITHIN TWENTY (20) DAYS AFTER SERVICE IN ACCORDANCE WITH RULE 1018.1 FILED.		
16-APR-2002 02:50 PM	CORCT - CORRECTIVE ENTRY		

<b>Docket Entry:</b>	NOTE - ENTRY SHOWING THIS ACTION AS WAITING TO LIST CASE MANAGEMENT CONFERENCE WAS INCORRECTLY ENTERED. THIS IS A MASS TORT ACTION. RECORD IS HEREBY CORRECTED RDD 22-APR-2002.		
16-APR-2002 02:50 PM	CLWMT - WAITING FOR LISTING MASS TORT	BALEFSKY, LEE B	
<b>Docket Entry:</b>	none.		